

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Pedro DE LA ROSA-Soto,

Defendant

Magistrate Document No. 15, APR 11: 30

08 MJ 1152

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

COMPLAINT FOR VIOLATION OF:

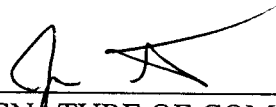
Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **April 13, 2008** within the Southern District of California, defendant, **Pedro DE LA ROSA-Soto**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 15th DAY OF APRIL, 2008.


Barbara L. Major
UNITED STATES MAGISTRATE JUDGE

Pedro DE LA ROSA-Soto

PROBABLE CAUSE STATEMENT

On April 13, 2008, Senior Patrol Agent T. Watson was working line watch duties near Tecate, California. At approximately 10:00 p.m., he was alerted, via Agency radio, to a seismic sensor activation. This area is approximately one and a half miles east of the Tecate, California Port of Entry and approximately three quarters of a mile north of the United States / Mexico International Border.

Agent Watson responded and found footprints for a large group of people crossing the San Diego Gas and Electric (SDG&E) Road. SPA Watson followed the footprints north and found eleven individuals attempting to conceal themselves in the brush. Agent Watson identified himself as a United States Border Patrol Agent, and questioned the eleven individuals as to their citizenship and nationality. All eleven individuals, including one later identified as the defendant **DE LA ROSA-Soto, Pedro**, stated that they were citizens and nationals of Mexico without any immigration documents allowing them to enter or remain in the United States legally. All eleven individuals, including the defendant, were arrested and transported to the Tecate Processing Center in Tecate, California.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on March 28, 2005 through San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights. The defendant stated that he understood his rights and was willing to speak without a lawyer present. The defendant also stated that he is a citizen and national of Mexico illegally present in the United States without proper immigration documents allowing him to enter or remain in the United States legally. He stated his intended destination was San Diego, California.